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Covert Operations in Central America

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By William E. Jackson, Jr.

THE House of Representatives refused in August to approve covert operations in Nicaragua in the annual legislation governing the intelligence community. Broad language was passed preventing the Reagan administration from supporting the Nicaraguan counter-revolutionaries (the so-called "contras"). It said, "no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting directly or indirectly, military, movement or individual." It is this sweeping prohibition that has now been agreed to by the Senate in the omnibus \$500-billion money bill known as the continuing resolution. The ban on support for the contras will last throughout the fiscal year unless the president calls for resumption by February 28, 1985 — in which case Congress must approve it by a joint resolution of both Houses.

Will the president sign the legislation which would cut off all U.S. aid for covert action against Nicaragua? Although a senior White House official has affirmed that "what we do not want is a complete cutoff or language that bars any American aid" for covert activities, the administration clearly wants the Pentagon budget money in the catch-all appropriations bill. If the president signs, he will interrupt not only CIA but also Pentagon-run military covert operations.

Despite isolated press reports, there has been practically no public debate over the lawless state within a state spawned in Fort Bragg, North Carolina, under the Joint Special Operations Command. This command has a separate budget for the development and procurement of assault weapons, and a core force of elite commando units drawn from the special forces of the military services. It has been busy in Central America.

Directly, and through "Latino" proxies, the executive branch of the United States government has been mining harbors, blowing up oil depots, and coordinating sea and land attacks upon Nicaraguan cities. Secret military commando units, e.g. the Navy's SEALs and the Army's DELTA force, are frequently involved — a kind of uniformed version of the CIA. They sometimes fly unmarked gunships; they call in U.S. Navy

bombardment from vessels offshore; and they practice the skills of their trade: sabotage. They also train local Central American forces in these skills.

These "multiservice tasking" units are occasionally referred to as "low intensity" forces. Their purpose is to fight undeclared war, that is, a war kept secret from the American press. They specialize in the "gray zone" between military and intelligence operations.

Thus, the armed forces of the United States are engaged in covert military operations designed to circumvent the law and avoid congressional oversight. If they are not defined as combat troops, they escape the requirement for reports to Congress under the War Powers Act. And, since they are not CIA covert operatives, they are allowed to escape the requirement in law (National Security Act) that the intelligence committees of Congress be kept "fully and currently informed" of all special covert activities which are the responsibility of any agency of the United States. They also have escaped funding strictures which Congress has placed on covert operations in Central America — where the CIA has been directing an attempt to overthrow the government of Nicaragua.

President Reagan has justified covert operations by our country inside another country's territory as follows: "I do believe in the right of a country, when it believes that its interests are best served, to practice covert activity . . ." Clearly, there is no "rogue elephant" CIA stomping around in Central America out from under the control of the "teflon" president. We know from Senator Barry Goldwater, chairman of the Senate Intelligence Committee, that the president has given written approval for covert operations there. Further, Mr. Reagan has issued an executive order (1981) limiting such operations to the CIA unless the president determines that another agency is better able to conduct these activities.

Congress has now done its bit to check such runaway power and to uphold the Constitution in the field of national security. As with all Mr. Reagan's predecessors, when it comes to nefarious intelligence operations the buck stops in the Oval Office.

Mr. Jackson has held national security positions in the State Department and the U.S. Senate. As legislative assistant to Senator Alan Cranston, he was involved in the establishment of the Senate Intelligence Committee and the drafting of intelligence oversight legislation. Currently, he is associated with the Fulbright Institute of International Relations.